

**LYNCHBURG CITY COUNCIL
PHYSICAL DEVELOPMENT COMMITTEE
MEETING HIGHLIGHTS
Tuesday, May 13, 2014
3:00 p.m.**

Members: Council Member Turner Perrow, Chair, Council Member Joan Foster, Vice Mayor Ceasor Johnson, Mayor Michael Gillette, ex-officio

Staff Present: Kimball Payne, Bonnie Svrcek, Gaynelle Hart, Kent White, Kevin Henry, Jim Talian, Greg Poff, Steve Shenk, Starlette Early

Others Present: Alicia Petska (News & Advance), Ty Mosby (Berkley-Howell & Associates)

Contract Awards:

There were three contracts awarded this month. Ms. Hart noted the Blackwater Creek Retaining Wall contract was awarded and work should have started last week but was deferred due to the train derailment. Riverside Park Phase 1 contract is slightly over budget due to some Federal requirements; however, Kay Frazier (Parks and Recreation) has indicated she has the money to fund. Ms. Hart explained the project is T21 funded, (80% grant and 20% match), VDOT has reviewed and approved the plans, and agreed to fund their 80 percent.

Update on Priority Projects:

Ms. Hart provided an update on projects since the last PDC meeting:

- Wards Road Pedestrian Crossing 2B- Notice to proceed given on May 5th; 120 day project completion
- Midtown Connector- Switched traffic to other lane on May 5th
- Harvard Road Improvements at Tunnel– Working with contractor to get pricing for City's portion of improvements that includes adding turn lanes and utilities at Harvard Road

There was additional discussion regarding the City's work related to turn lanes at Harvard Road.

General Business:

1. ***Vacate a portion of right of way along Tomahawk Industrial Park at 733 Old Graves Mill Road and 128 Tomahawk Industrial Park — Pinnacle Properties is petitioning to vacate a portion of right-of-way along Tomahawk Industrial Park at 733 Old Graves Mill Road and 128 Tomahawk Industrial Park. The area is approximately two hundred seventy-four thousandths (.274) of an acre and runs six hundred nineteen and a half (619.5) feet along Tomahawk Industrial Park. This section of right-of-way includes a grassed and wooded area. The petitioner is requesting the vacation in order to accommodate stormwater for a residential duplex development at 733 Old Graves Mill Road (12 units). The petition does not affect adjoining property owners. There is no planned expansion of this intersection and staff feels there would be minimal impact from the vacation of this portion of the right-of-way.***

Mr. Henry presented the petition, indicating the City had no intentions to further develop this area as it runs into a cul-de-sac. Technical Review Committee (TRC) reviewed this request on April 25 and their comments were incorporated into the proposed ordinance. There was discussion with Mr. Mosby regarding the width of the street at this section of Tomahawk (24 feet edge of pavement to other side including curb), inconsistency of curb and gutter along this road, appropriate width needed for tractor

trailer navigation on this route to the adjacent industrial area, and general concerns to protect right-of-way in industrial areas to avoid constraints on industrial traffic access.

There was discussion regarding research by Berkley-Howell & Associates and GIS updates made recently to reflect the current actual right-of-way. Mr. Mosby confirmed 60 feet of right-of-way would remain after the proposed vacated area, and Council Member Perrow indicated he was comfortable with that amount for industrial traffic.

Mr. Payne inquired about the need of the vacated right-of-way for stormwater. Mr. Mosby explained the design went through TRC without acquisition of the vacated area. Adding the portion of the right-of-way vacation helps the stormwater management plan work better. Mr. Mosby confirmed the property was currently zoned to permit development of duplexes by right.

Mr. Payne remarked on his philosophical concern of donating public property to support private development. He noted there have been several of these requests in the past few months, and questions whether there is any inherent value of these properties and at what point do we cross a threshold that makes it worthwhile for the City to keep and/or sell for return to the public's benefit. There was discussion of prior sales of right-of-way to Liberty University to enhance their development projects. There were comments regarding the right-of-way vacation request considered by PDC last month to support development of the Beacon Credit Union (currently Doyle's Florist).

PDC members discussed the philosophy of transferring property to the tax rolls when the vacation is granted for private ownership, determination of when a right-of-way vacation substantially alters the tax value of the assuming property, and feasibility for staff to make recommendations on determining when a vacation adds significant value to a property development. Given the number of variables to consider, a recommendation will likely not be a formula, but something the TRC needs to evaluate in their review and introduce the discussion of possible sale of right-of-way by the City at that point.

Consensus from the committee was to move the request forward to Council with their approval. Council Member Perrow indicated he would present PDC's reservation about more of these requests to full council and apprise them of PDC's desire for more detail from the staff level to provide guidance on the value of these properties for future decisions. Mr. Henry indicated he would meet with TRC staff to determine some type of benchmarks they could present to PDC for evaluation (inherent value, percentage of size, value-added to project, etc.) going forward on future requests.

2. ***College Lake Dam Improvements –Informational Purposes: The College Lake Dam Conditional O&M Certificate expires March 31, 2015. The certificate requires final construction drawings to resolve the deficient spillway and inoperable outlet by December 1, 2014. A preliminary engineering study has begun and is expected to be completed by that date, but final design is expected to take another year. Alternatives include armoring the dam with concrete or replacing it with a bridge and restoring the lake bed and Blackwater Creek channel. If an owner demonstrates timely progress, DCR has the authority to extend the conditional certificate for at least one year, until March 31, 2016, and reset the Alteration Permit Application submittal date. Construction must begin within two years of the date of issuance of the Alteration Permit. Otherwise DCR could issue an administrative order to breach the dam if the Director deems the dam an imminent threat or if an owner fails to demonstrate acceptable progress.***

Mr. Shenk summarized the issues related to improvements of College Lake Dam. He noted College Lake Dam is deficient and the City is operating under a Conditional Operating and Maintenance Certificate issued by the Department of Conservation and Recreation- Dam Safety Division (DCR). This certificate

has three main conditions, most important of which stipulates the City must have final construction drawings prepared by December 1, 2014. He indicated the preliminary engineering would be completed by that date and discussed the steps necessary before completing the final construction drawings. The expected timeline for completion is about one year.

Mr. Shenk noted the possible improvement alternatives (armoring the dam with concrete or replacing with a bridge) and explained the options DCR may take in response to the City not meeting the December deadline: DCR has the authority to extend this conditional certificate and reset the Alteration Permit Certificate date, which he expects them to do. However, they can also issue an administrative order to lower the dam water level, drain the lake, or even breach the dam. Proceeding with the process of completing preliminary engineering, final construction drawings, and receiving approval by the State, the State allows two years to begin construction after the issuance of a construction permit. Without funding considerations, the projected start date for construction is estimated to be first quarter 2018, with very preliminary cost estimates ranging from \$6 – 10 million dollars.

Mr. Payne inquired whether the dam was deficient with respect to not meeting the current state regulations for an extraordinary rain event or whether the City has received any indication of inherent danger. Mr. Shenk responded the safety determination is a judgment by the Director of Dam Safety. He is aware the DCR has considered issuing an Administrative Order but has not yet elected to take this course of action because the City is demonstrating acceptable progress. There was additional discussion of the regulations surrounding a probable maximum flood incident (35 – 37 inches of rain in a 24 hour period) and actions of the Virginia legislature to impact these regulations.

Mr. Shenk responded to questions regarding the image provided in the PDC meeting materials and confirmed the dam is a regulated structure due to its height and volume of water. There was additional discussion of the type of storm/hurricane event that could produce enough water to flood the dam. Mr. Shenk reported an analysis shows the spillway is currently capable of passing less than 10 percent of the probable maximum flood, with water overtopping the dam by 10-12 feet in such an event.

Mr. Payne noted that conversations regarding the future of College Lake have been taking place with Lynchburg College, DEQ, Corp of Army Engineers and others for about three years. PDC members questioned overall conditions of the lake including sediment infill, surface area of lake, and depth of water. The importance of College Lake regarding its role as a stormwater management feature (both as a lake and a wetland area) was discussed, with Mr. Talian indicating a likely outcome may be the removal of both the dam and lake and replacement with a bridge. This approach would create a new flood plain and allow the area to better serve as a stormwater management feature when compared to the current lake. An analysis to determine best options is underway and the contract includes a public relations campaign to address concerns of citizens. There was further discussion regarding Lynchburg College's views (as the property owner around the lake) on the possible removal of the lake and the requirements for the City to maintain the area if this option is elected.

Roll Call:

Mayor Gillette was contacted by a citizen regarding traffic backup at both roads next to Bojangles (Dandridge and Ardmore) during construction. He noted he had forwarded the email to Mr. Payne for consideration for possible temporary traffic management.

Council Member Perrow expressed his appreciation for the new bike lane additions in the City.

Next meeting: June 10, 2014